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OFFICIAL

FILED
HARRISBURG
AUG 27 2001
MARY E. DIANDREA CLERK
PER DEPUTY CLERK ✓

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DANA SCOTT MAYE-EL, :
Petitioner : No. 1:cv-01-1258
: :
v. : (Judge Kane)
: (Magistrate Judge Smyser) ✓
JAKE MENDEZ, Warden :
Respondent :

RECORD IN SUPPORT OF RESPONDENT'S RESPONSE TO
THE PETITION FOR WRIT OF HABEAS CORPUS

MARTIN C. CARLSON
United States Attorney

KATE L. MERSHIMER
Assistant U.S. Attorney

ANITA LIGHTNER
Paralegal Specialist
228 Walnut Street, 2nd Floor
P.O. Box 11754
Harrisburg, PA 17108-1754
717/221-4482

Date: August 13, 2001

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**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DANA SCOTT MAYE-EL,
Petitioner : Civil No. 1:CV-01-1258
v. : (Judge Kane)
 : (Magistrate Judge Smyser)

JAKE MENDEZ, Warden,
Respondent :

DECLARATION OF CHRISTOPHER ANGELINI

I, Christopher M. Angelini do hereby declare as follows:

1. That I am the Inmate Systems Manager at the United States Penitentiary, Allenwood, Pennsylvania, and have been so employed since June 3, 2001. Prior to this position, I was assigned as Inmate Systems Manager at F.C.I. Loretto since January 1999. I have been employed by the Federal Bureau of Prisons since April 1990.

2. In this position, I am responsible for the managerial oversight of the Inmate Systems Management Department. Specifically, I am responsible for computing, auditing, and monitoring federal inmate sentences to ensure their accuracy consistent with governing statutes, rules, and regulations.

3. I have reviewed the petition in this matter, filed by the Petitioner, inmate Dana Scott Maye, Federal Register Number

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18118-050, in which the Petitioner alleges that he has not received jail time credit for the period from February 25, 1994 (the date of his arrest) through October 1, 1994.

4. The Petitioner was sentenced in the United States District Court, District of New Jersey on April 12, 1995, to a one hundred and three (103) month term of imprisonment for "Possession of a Firearm By a Convicted Felon" in violation of Title 18, U.S.C., §922(g). The Petitioner was also ordered to pay a fifty (\$50.00) dollar felony assessment and he was ordered to complete a three year term of supervision. Additionally, the Petitioner received jail time credit from October 2, 1994, through April 11, 1995.
5. Bureau of Prisons records reveal that the Petitioner arrived at the United States Penitentiary, Allenwood, Pennsylvania, on June 28, 2000, and he remains incarcerated there as of this date.
6. My review of the Petitioner's records indicates that the Petitioner committed the offense for his current federal commitment on February 25, 1994. Specifically, on that date the Petitioner was arrested by Port Authority police, Hudson County, New Jersey, for the following **state offenses**: Armed Robbery, Possession of a Weapon for Unlawful Purposes,

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Unlawful Possession of a Weapon, Possession Defaced Firearm,
and Possession Prohibited Device.

7. The Petitioner was then placed in the Hudson County Jail, New Jersey. At this time, the State of New Jersey had primary custody over the Petitioner.
8. An one count indictment for the Petitioner's current **federal** offense charges that on or about February 25, 1994, the Petitioner, having been convicted in Superior Court, Jersey City, New Jersey, on December 10, 1992, of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, in violation of Title 18, United States Code, Section 922(g) (Attachments A & B).
9. On March 9, 1994, a bench warrant was issued for the Petitioner's arrest for a violation of **state** parole and he was detained pending the outcome of the state parole violation proceedings, as well as the new charges stemming from his **state** arrest on February 25, 1994 (Attachment C).
10. On September 14, 1994, while awaiting the disposition of the state charges and during the service of the state parole violator term, the Honorable Harold A. Ackerman, United States District Court, District of New Jersey, under

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Criminal No.: 94-443 (01), issued an Order transferring the Petitioner from the custody of Hudson County, New Jersey, to the custody of the U.S. Marshals Service, Newark, New Jersey until further order of the court (Attachment D). At that time, federal authorities assumed secondary custody over the Petitioner.

11. Specifically, the sovereign which first arrests an offender has primary custody over that offender, unless that sovereign relinquishes custody to another sovereign by, for example, bail release, dismissal of the state charges, parole release, or expiration of the state sentence.
12. At the time the September 14, 1994, order was issued, the Petitioner was serving a state parole violation term with a maximum expiration date of October 2, 1994. The Petitioner was therefore in the primary custody of the state until that date. The Petitioner would not have come under primary federal custody prior to that date, or an earlier date established by state officials for release, until the state charges stemming from the February 25, 1994 arrest were either adjudicated, dismissed, etc.. (Attachments F & G).
13. On April 12, 1995, the Petitioner, was sentenced by the Honorable Harold A. Ackerman, United States District Court,

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District of New Jersey, to a federal term of imprisonment of one hundred and three (103) months for the offense of Possession of a Firearm by a Convicted Felon, in violation of Title 18, United States Code, Section 922(g), as charged in Count 1. Although the Petitioner was still under the primary custody of the state, the Petitioner was committed to the United States Penitentiary, Lewisburg, Pennsylvania, on June 1, 1995, for service of the federal sentence imposed (Attachment E). This was in error, since the State of New Jersey still had primary custody over the Petitioner since his state charges had not been resolved.

14. On September 6, 1996, the Petitioner was removed from federal custody pursuant to the Interstate Agreement on Detainers Act, based upon the Petitioner's request for disposition of the state charges stemming from the February 25, 1994, state arrest.
15. On October 11, 1996, the Petitioner was sentenced under Indictment Number 934-7-94, in Hudson County Superior Court, Hudson County, New Jersey, to a state term of ten (10) years imprisonment. The term of imprisonment was ordered to run concurrent to the Petitioner's present federal sentence and any parole violation term. Furthermore, the Petitioner was to receive credit for time spent in custody in the amount of

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960 days for the following period of time: **February 25, 1994, through October 11, 1996** (Attachment H).

16. The Petitioner now claims that he did not receive credit toward the satisfaction of his state parole violation term, from February 25, 1994, through October 2, 1994, therefore, pursuant to Title 18, United States Code, Section 3585(b), he should be awarded that credit. The Petitioner is mistaken.
17. It should be noted that there is some confusion regarding the Petitioner's final adjusted release date from his state parole violation term. Specifically, Attachment C (which was recently received on June 27, 2001), indicates that the Petitioner's full term release date was September 28, 1994. Other documents received and filed as attachments indicate a full term release date of October 2, 1994. This creates a four day difference.
18. Despite this confusion, the undisputed fact is that the Petitioner received credit and served the state parole violation term. Furthermore, the New Jersey State Judgment & Commitment Order indicates that an award of credit toward the satisfaction of the ten (10) year sentence for a portion of the same period of time was made. It is therefore

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immaterial whether there is a difference of four (4) days that may not have been applied from September 29, 1994, through October 2, 1994, to the parole violation term, since this period of time was also awarded to the Petitioner's ten (10) year state term.

19. Title 18, United States Code, Section 3585(b), which controls the award of prior custody credit, states, "A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences-

1. as a result of the offense for which the sentence was imposed; or

2. as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed;

that has not been credited against another sentence."

20. In this case, the Petitioner received credit for this period of time (from February 25, 1994, through October 2, 1994), toward the satisfaction of not only one (1), but two (2)

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state sentences (the parole violator term and the ten [10] year state sentence). Therefore, pursuant to the above mentioned statute, the Bureau of Prisons is precluded from awarding such credit toward the satisfaction of the federal sentence imposed.

21. If the Petitioner had been returned to state authorities at the conclusion of his sentencing on federal charges on April 12, 1995, since they still had primary custody over the Petitioner, the Petitioner would not have been received into federal custody until his parole was granted on the ten (10) year New Jersey state sentence, on May 17, 2000. At that time, the Petitioner would have commenced service of his one hundred and three (103) month federal sentence, with a projected release date of November 8, 2007, with **no prior custody credit**, since it would have been applied towards his state sentence and parole violator term.
22. Instead, since the Petitioner was erroneously placed in federal custody, the Federal Bureau of Prisons exercised its judgment and did not return the Petitioner for placement in state custody due to the age of his case (Attachment I).
23. The Petitioner currently has a projected release date of June 4, 2002, via Good Conduct Time Release, provided the

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Petitioner receives all Good Conduct Time available pursuant to Title 18, United States Code, Section 3624(b) (Attachment J).

24. Based on the above information, it is clear that the Petitioner's federal sentence has been reviewed for accuracy and is correct in accordance with existing BOP policies and governing laws.
25. The attached documents referenced in this declaration are true and correct copies of the original documents maintained at the United States Penitentiary Allenwood, Pennsylvania.

Pursuant to Title 28, United States Code, §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

8/24/01
Date

Christopher M. Angelini
Christopher M. Angelini
Inmate Systems Manager
United States Penitentiary
Allenwood, Pennsylvania 17887

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P. 02

DANA SCOTT MAYE-EL V. JAKE MENDEZ, WARDEN
Civil Action Number 1:CV-01-1258
MDPA

Declaration of C. Angelini

ATTACHMENT A

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P. 03

U.S. DISTRICT COURT

- 3 -

DANA S. MAYE

PART A. THE OFFENSECharge(s) and Conviction(s)

1. The one-count Indictment charges that on or about February 26, 1994, at Hudson County, in the District of New Jersey, and elsewhere, Dana Scott Maye having been convicted in Superior Court of New Jersey of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, namely a Stallard Arms Model JS-9, 9mm pistol, in and affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g).
2. On December 16, 1994, Dana Scott Maye entered a plea of guilty to the One Count Indictment, before the Honorable Harold A. Ackerman, in the District of New Jersey.

Status of Codefendants

3. There are no codefendants in this case.

Related Cases

4. There are no related cases.

Plea Agreement Information

5. Pursuant to the written plea agreement dated October 26, 1994 the U.S. Attorney's Office and the defendant have agreed to the following stipulations, which are non-binding upon this Court:
 - 1) The sentencing guideline applicable to Dana Scott Maye is § 2K2.1(a)(2).
 - 2) The firearm that Dana Scott Maye possessed had an altered or obliterated serial number.
 - 3) Dana Scott Maye did not use or possess the firearm in connection with another felony.
 - 4) Dana Scott Maye has clearly demonstrated, as of the date of this agreement, a recognition and affirmative acceptance of responsibility for the offense charged. Dana Scott Maye also has assisted authorities in the investigation and prosecution of his own misconduct by timely providing complete information to the government concerning his own involvement in the offense and timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparation for trial and permitting the court to allocate its resources efficiently. Accordingly, a three-point reduction of the offense level is appropriate if his acceptance of responsibility continues until the date of sentencing. See U.S.S.G. § 3E1.1.

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DANA SCOTT MAYE-EL V. JAKE MENDEZ, WARDEN
Civil Action Number 1:CV-01-1258
MDPA

Declaration of C. Angelini

ATTACHMENT B

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P. 05

U.S. DISTRICT COURT

- 10 -

DANA S. MAYE

51. The Jersey City Police observed Dana Maye run a red light and drive erratically east on Communipaw Avenue in Jersey City. The police activated their overhead lights and siren. The defendant continued to drive at a high rate of speed until he stopped the vehicle, exited and fled on foot. Maye was later apprehended by the police and found to have 5 empty vials of cocaine in his possession.

| | | | | | |
|--------------|----------------------------------|--|---|----------|---|
| 52. 06/17/92 | Terroristic Threats, (age 28) | Hudson County Superior Court, Jersey City, New Jersey (Ind.#1563-08-92) | 12/10/92: 3 years N.J.S.P. to run concurrent to parole violation imposed on 08/19/92 (Acc. 278- 90), \$600 fine; <u>parole date: 06/22/93</u> max. date: 10/02/94 <u>parole revoked</u> 08/08/94 | 4A1.1(a) | 3 |
|--------------|----------------------------------|--|---|----------|---|

53. The details concerning this offense are unavailable. According to the defendant, the above noted offense involved a domestic dispute between himself and his wife, Debra Scott, in which both parties filed charges against each other.

Parole Adjustment

54. According to Hudson County Parole records, the defendant was placed on parole supervision on June 22, 1993, with a maximum expiration date of October 2, 1994. While on parole supervision, the defendant was arrested on the instant offense (February 25, 1994). Due to the defendant's non-compliance on supervision, a bench warrant was issued for his arrest on March 9, 1994. Since the defendant was viewed as a potential danger to the community, his parole was revoked on August 8, 1994. The defendant's parole was closed out "unsatisfactory" on October 2, 1994.

Criminal History Computation

- 55. At the time the instant offense was committed, the defendant was on parole in Hudson County since June 22, 1993 on Ind. #1563-08-92. Reportedly, he was terminated from parole supervision on October 2, 1994. Pursuant to U.S.S.G. § 4A1.1(d), two points are added.
- 56. The instant offense was committed less than two years following the defendant's release from custody on Ind. #1563-08-92 for the sentence of Terroristic Threats. Pursuant to U.S.S.G. § 4A1.1(c), one point is added.
- 57. The total of the criminal history points is 23. According to the sentencing table at U.S.S.G. Chapter 5, Part A, 23 criminal history points establish a criminal history category of VI.

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DANA SCOTT MAYE-EL V. JAKE MENDEZ, WARDEN
Civil Action Number 1:CV-01-1258
MDPA

Declaration of C. Angelini

ATTACHMENT C

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parole

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P.02



State of New Jersey

DEPARTMENT OF CORRECTIONS

WHITLESLEY ROAD

PO Box 663

TRENTON NJ 08625-0663

DONALD T. DiFRANCESCO
Acting GovernorSUSAN L. MAUREE
Acting CommissionerMEMORANDUM

TO: Chris Angelini
FROM: Rive Heyliger-Hooper
DATE: 6/27/01
SUBJECT: Dana Maye

Mr. Maye was returned as a parole violator 3/23/94. He maxed out on 9/28/94. If I can be of further assistance, you may contact me at (801) 795-8811.

Sincerely,
 Rive Heyliger-Hooper

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parole

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**State of New Jersey
NEW JERSEY STATE PAROLE BOARD**

MARY KEATING DISABATE
CHAIRMAN

CN 682
TRENTON, NEW JERSEY 08825
TELEPHONE NUMBER: (609) 292-4257

August 4, 1994

Robert F. Butler
Assistant Prosecutor
Office of the Prosecutor
County of Hudson
595 Newark Avenue
Jersey City, NJ 07306

RE: Dara Maye, PN 249845/YN 108282

Dear Mr. Butler:

In reference to your letter application of July 25, 1994 please be advised that the New Jersey State Parole Board has made the determination that the parole revocation process be implemented in the case of Dara Maye, PN 249845/YN 108282. Your office will be advised of any scheduled preliminary or final parole revocation hearing prior to said proceedings.

Please note that in order for a Probable Cause Hearing Officer to find probable cause that a condition of parole has been violated, it may be necessary for your office to produce a witness (es) at the Probable Cause Hearing in regard to the pending criminal charge (s). If a witness (es) needs to be produced, the person (s) will be subject to the direct examination of the Probable Cause Hearing Officer, Dara Maye, PN 249845/YN 108282 and/or counsel. The New Jersey Bureau of Parole will of course advise your office of the time, date, and location of the Probable Cause Hearing.

If there are any questions, please contact my office.

Very truly yours,

Douglas D. Chiesa, Esq.
Deputy Executive Director

DDC/cg

c: Ms. Johnson, DPS, DO #4
CPB
SPB

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parole

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Jun 27/01 12:28 P.06

OFFICE OF THE HUDSON COUNTY PROSECUTOR
595 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306

CARMEN MESSANO
PROSECUTOR

EDWARD J. DE FAZIO
FIRST ASSISTANT PROSECUTOR

TELEPHONE: (201) 795-3365
 FAX: (201) 795-3365

July 25, 1994

Honorable Mary Keating DiSabato
 Chairperson, New Jersey State Parole Board
 CN 962
 Trenton, New Jersey 08625

Re: Dana Maye
 APPLICATION FOR PRE-CONVICTION PAROLE REVOCATION
 INDICTMENT NO. 0934-07-94
 PROSECUTOR'S FILE NO. 94-581
 PN# 249845

Dear Chairperson DiSabato:

Pursuant to N.J.S.A. 30:4-123.60(b), I hereby request that the current parole status of the above named parolee be revoked, and that he be returned to your custody as a serious or persistent parole violator who poses a danger to public safety.

This office requests advance notification of all revocation proceedings. Further, the Hudson County Prosecutor's Office requests leave to appear and present material and/or evidence in support of its position at all stages of revocation proceedings. This office requests prior notification of the names of all witnesses intended to be called at any revocation proceeding.

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parole

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Jun 27 2001 12:26 P.04

P. 10

I. PAROLE BACKGROUND

Name: Dana Maye

D.O.B.: April 5, 1965

S.S.#: 154-68-1025

RELEASE STATUS:

LAST COMMITMENT: December 10, 1992

LAST PAROLE: June 22, 1993

MAXIMUM DATE: October 2, 1994

BAIL STATUS: Committed to Hudson County Jail
in lieu of bail.

GRAND JURY: On June 27, 1994, the Hudson County Grand Jurors returned Indictment No. 0934-07-94 for Possession Prohibited Device, Possession Defaced Firearm, Unlawful Possession Weapon, Possession Weapon Unlawful Purpose and Armed Robbery.

II. SERIOUS/PERSISTENT NATURE OF PAROLE VIOLATION

On February 25, 1994, the Parolee was arrested by Port Authority Police for robbing a victim of a gold chain at gun-point. Police recovered the gun with defaced serial numbers from the parolee's possession.

POLICE REPORTS AND DISCOVERY ATTACHED

The Hudson County Prosecutor alleges that the parolee violated the statutory condition of parole to conduct himself in compliance with all laws and to refrain from committing a crime.

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parole

EX:2017958827

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III. DANGEROUS TO PUBLIC SAFETY

The Hudson County Prosecutor alleges that the parolee represents a threat to the community because of his proclivity to engage in anti-social behavior evidenced by both his prior convictions and the present charges.

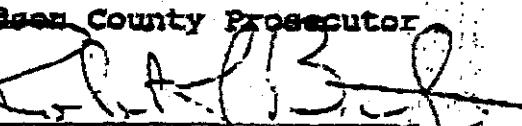
The Parolee's unlawful conduct will continue in the future because his prior incarceration has not served to deter it.

CONCLUSION

The Hudson County Prosecutor therefore requests that a warrant for detention of Dana Maye on violation of parole be issued to the Hudson County Sheriff, the Warden of the Hudson County Jail, and all appropriate law enforcement officials, and that the parole status of the aforesaid parolee be revoked according to the statutes and regulations governing this matter.

Respectfully,

CARMEN MESSANO
Hudson County Prosecutor

By: 
ROBERT F. BUTLER
Assistant Prosecutor

RFB:ll
Enclosure
cc: Signe Johnson, District Parole Supervisor

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DANA SCOTT MAYE-EL V. JAKE MENDEZ, WARDEN
Civil Action Number 1:CV-01-1258
MDPA

Declaration of C. Angelini

ATTACHMENT D

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P. 14

DANA SCOTT MAYE-EL V. JAKE MENDEZ, WARDEN
Civil Action Number 1:CV-01-1258
MDPA

Declaration of C. Angelini

ATTACHMENT E

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ORIGINAL FILE
APR 15 1995
WILLIAM T. WALSH, CLERK

United States District Court

District of NEW JERSEY

Certified as a true copy on
This Date: 4/13/95
By: [Signature] Clerk
{ Deputy

UNITED STATES OF AMERICA
V.DANA SCOTT MAYE
1818-OS
(Name of Defendant)JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 94-443 (01)

John Vauch, APPD

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) One
 was found guilty on count(s) _____
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-----------------|--|------------------------|-----------------|
| 18:922(g) | Possession of firearm by convicted felon | 2/25/94 | 1 |

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984;

The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
 Count(s) _____ (is)(are) dismissed on the motion of the United States.
 It is ordered that the defendant shall pay a special assessment of \$ 50.00 for count(s) One, which shall be due immediately as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 154-68-1025

Defendant's Date of Birth: 04-05-65

Defendant's Mailing Address:

148 Ridgewood Avenue
Brooklyn, NY 11208

Defendant's Residence Address:

Same as above.

April 12, 1995

Date of Imposition of Sentence

Signature of Judicial Officer

DON. HAROLD A. ACKERMAN

Name & Title of Judicial Officer

4/13/95

Date

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AO 245 B (Rev. 4/90) Sheet 2 - Imprisonment

Defendant: Dana Scott Maye
Case Number: 94-443 (01)Judgment—Page 2 of 4**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 103 months on Count 1.

18/18/053

The court makes the following recommendations to the Bureau of Prisons: that the defendant be confined in the New York/New Jersey area and be placed in a drug treatment program.

The defendant is remanded to the custody of the United States marshal.
 The defendant shall surrender to the United States marshal for this district,

at _____ p.m. on _____
 as notified by the United States marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.
 before 2 p.m. on _____
 as notified by the United States marshal.
 as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on 6/1/95 to USP Lewisburg at Lewisburg, PA,

, with a certified copy of this judgment.

J. D. Lamer
United States Marshal

By R. Kunkle, AISM
Deputy Marshal

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AO 245 S (Rev. 1/90) Sheet 3 - Supervised

Defendant: **Dana Scott Maye**
 Case Number: **94-443 (01)**

Judgment - Page 3 of 4**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of three years.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to assure compliance. The defendant shall submit to drug treatment on an outpatient or inpatient basis, if directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer; *6/1/95 USP Lewisburg*
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

J. D. Lamer **25***AP Kuselka, A.S.M.*

AUG-24-2001 FRI 09:23 AM

FAX NO.

P. 18

AO 245 S (Rev. 4/90) Sheet 7 - Statement of Reasons

Defendant: Dana Scott Maye
Case Number: 94-443 (01)Judgment—Page 4 of 4**STATEMENT OF REASONS** The court adopts the factual findings and guideline application in the presentence report.

OR

 The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):**Guideline Range Determined by the Court:**Total Offense Level: 23Criminal History Category: VIIImprisonment Range: 92 to 115 monthsSupervised Release Range: 2 to 3 yearsFine Range: \$ 10,000 to \$ 100,000 Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ _____

 Full restitution is not ordered for the following reason(s): The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

 The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

 upon motion of the government, as a result of defendant's substantial assistance. for the following reason(s):

J. B. Lamer

26

P. Kunkel, AUSA

AUG-24-2001 FRI 09:24 AM

FAX NO.

P. 19

DANA SCOTT MAYE-EL V. JAKE MENDEZ, WARDEN
Civil Action Number 1:CV-01-1258
MDPA

Declaration of C. Angelini

ATTACHMENT F

AUG-24-2001 FRI 09:24 AM

FAX NO.

P. 20



**U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution**

MEMORANDUM*Fairton, New Jersey 08320*

September 4, 1997

REPLY TO TEL: *RMB*
 ATTENTION OF: R.M. Booher, ISM

SUBJECT: **MAYE, Dana Scott**
Reg. No. 18118-050

TO: T. Y. Butt, RISA

The above inmate recently arrived at FCI Fairton as a transfer. A transfer audit was done, and there may be a jurisdiction issue.

On September 14, 1994, an Order was completed to writ the inmate from Hudson County, New Jersey to federal custody for purposes of his federal trial. He had been in Hudson County since February 25, 1994. Hudson County arrested him for new criminal charges, and was later found in Violation of his state parole. On March 9, 1994, Hudson County revoked his parole, and began serving the violator term. They offered him bail on the new criminal charges, however, he never posted it. When the Marshals writted him to federal custody, he was serving his parole violation, but still had the other charges outstanding. His state parole violation ended on October 2, 1994. There is a notation on the USM-129 that Judge Ackerman remanded him into federal custody on October 20, 1994. On April 12, 1995, he received his a 103 month "silent" sentence in federal court. At this time, they requested designation, and he went to Lewisburg. Notes on the September 14, 1994, writ show that it is the opinion of the ISM that the wording of the federal order transfers primary custody. This office disagrees with this opinion.

To further complicate matters, inmate Maye went IAD to New Jersey on September 6, 1996. He received a ten-year sentence concurrent to his original parole violation, and the federal sentence.

Attached are all documents to assist you in reviewing this case. Please advise what actions need to be taken. Please call if there are any other documents that you will need. Thank you for your assistance.

AUG-24-2001 FRI 09:24 AM

FAX NO.

P. 21

DANA SCOTT MAYE-EL V. JAKE MENDEZ, WARDEN
Civil Action Number 1:CV-01-1258
MDPA

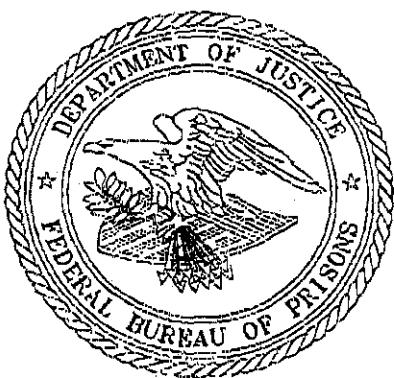
Declaration of C. Angelini

ATTACHMENT G

AUG-24-2001 FRI 09:24 AM

FAX NO.

P. 22



UNITED STATES GOVERNMENT
MEMORANDUM
MCFP, SPRINGFIELD MO

DATE: March 20, 1998

REPLY TO

ATTN OF: R. W. Niebrugge
Inmate Systems Manager

SUBJECT: Primary Custody - Award of Prior Custody Credit
MAYE, Dana Scott Reg. No. 18118-050

TO: Judgment & Commitment File

This memorandum has been written in response to the correspondence from ISM Fairton to the NERO RISA, dated September 4, 1997, concerning inmate MAYE's placement in federal custody and award of prior custody credit. It is my opinion and that of the NCRO RISA that too much time has expired to pursue MAYE's placement in state custody. The court order issued by Judge Ackerman September 14, 1994, remanding MAYE from state to federal custody, further confuses the issue. Had this issue been addressed when inmate MAYE arrived at his first designated federal facility it is possible that he could have been returned to New Jersey custody. However, at this point in time it is not feasible to reverse the previous award of prior custody credit or attempt to place MAYE in state custody.

AUG-24-2001 FRI 09:25 AM

FAX NO.

P. 23

DANA SCOTT MAYE-EL V. JAKE MENDEZ, WARDEN
Civil Action Number 1:CV-01-1258
MDPA

Declaration of C. Angelini

ATTACHMENT H

AUG-24-2001 FRI 09:25 AM

FAX NO.

P. 24



State of New Jersey
 DEPARTMENT OF CORRECTIONS
 WHTTLFSY ROAD
 CN 863
 TRENTON NJ 08625-0863

CHRISTINE TODD WHITMAN
Governor

arden/Superintendent
 SP- Lewisburg
 O Box 1000
 Lewisburg, PA 17837

May 30, 1997

WILLIAM H. FAUVER
Commissioner

RE: Maye, Dana Scott
 #18118-050

To Whom It May Concern:

The above listed individual has been sentenced in a New Jersey County Superior Court to a total term of ten (10) years, 3 1/3 years mandatory minimum.

The following sentencing information is provided to you in the event that this individual is scheduled for release prior to the maximum expiration date of the New Jersey sentence:

| <u>DATE OF SENTENCE</u> | <u>COUNTY SUPERIOR COURT</u> | <u>COUNTY INDICTMENT NO.</u> | <u>COUNTY SHERIFF'S DEPT.</u> |
|-------------------------|------------------------------|------------------------------|-------------------------------|
| 10/11/96 | Hudson County | 934-7-94 | (201) 795-6400 |

****Please lodge our judgement as a commitment detainer.*****

The New Jersey sentence should be served concurrent to the sentence he is serving in your facility. With all allowances, the maximum expiration of the New Jersey sentence is April 15, 2002.

Please advise the above listed County Sheriff's Department (s) at least thirty (30) days prior to the release so that transportation/custody can be arranged. Thank you for your cooperation in this matter.

Very truly yours,

Deputy Compact Administrator
 Office of Interstate Services

BY: Donna Sweeney-Elrose

Donna Sweeney-Elrose
 Classification Officer III
 Fugitive Detainer Unit

SE:klc
 c/M. Gresavage, SPB w/attachments
 S. Hatrak, GSRC
 Hudson County Sheriff's Office
 Hudson County Prosecutor's Office
 Mr. H. Pierre, CICS w/attachments
 File

AUG-24-2001 FRI 09:25 AM

FAX NO.:

P. 25

State of New Jersey v. Dana S. Mave S.E. # 461216B INC ACC # 934-7-94Total FINE 1Total RESTITUTION 1

If the offense occurred on or after December 23, 1981, an assessment of \$50 NJ imposed on each count on which the defendant was convicted unless the box below indicates a higher assessment pursuant to N.J.S.A. 2C:43-3.1. (Assessment is \$30 if offense is on or after January 8, 1986 but before December 23, 1981, unless a higher penalty is noted. Assessment is \$25 if offense is before January 8, 1986.)

 Assessment imposed oncounties 1
is 100 each.Total VCCS Assessment 100
 Installment payments are due at the rate of
1 per
 beginning thru parole
CAB

If the offense occurred on or after February 1, 1993 and the sentence is to probation or to a State Correctional Facility, a transaction fee of up to \$1.00 is ordered for each occasion when a payment or installment payment is made. (P.L. 1992, c. 169)

If the offense occurred on or after August 2, 1993, a 17% Safe Neighborhood Services Fund assessment is ordered for each conviction. (P.L. 1993, c. 220)
\$75

If the offense occurred on or after January 8, 1994 and the sentence is to probation, a fee of up to \$25 per month for the probationary term is ordered. (P.L. 1993, c. 275) Amount per month _____

| | | |
|---|------------------|--|
| NAME (Court Clerk or Person Preparing this Form) | TELEPHONE NUMBER | NAME (Attorney or Defendant or Sentence) |
| <u>P. Moseley, Sec., J. Kavanaugh, Clerk 795-6630</u> | | <u>M. Murphy, SEC</u> |
| STATEMENT OF REASONS | | |

agg. fact: 3, 6, 9
 mit. fact: none

AUG-24-2001 FRI 09:26 AM

FAX NO.

P. 26

pros. File # 94-581

Steno: tape 58-96

State of New Jersey

v.

DEFENDANT
SUSPECT CANNOT BE LOCATED

Dana S. Mayo

DATE OF BIRTH

4/5/65

DATE OF ARREST

2/25/94

DATE OF ORIGINAL PLEA

9/12/96

SERIAL NUMBER

461216B

DATE OF INDICTMENT / ACCUSATION FILED

7/7/94

ORIGINAL PLEA

 NOT GUILTY GUILTY

ADJUDICATION BY

 GUILTY PLEA

DATE:

 NON-JURY TRIAL

DATE:

 JURY TRIAL

DATE:

 DEFERRED ADJUDGEMENT

DATE:

ORIGINAL CHARGES

| IND / ACC NO. | COUNT | DESCRIPTION | DEGREE | STATUTE |
|---------------|-------|--------------------|--------|----------|
| 934-7-94 | 1 | armed robbery | | 2C:15-1 |
| | 2 | P. Wpn. Unl. purp. | | 2C:39-4a |
| | 3 | Unl. P. Wpn. | | 2C:39-5b |
| | 4 | P. Defaced firearm | | 2C:39-3d |
| | 5 | P. Proh. device | | 2C:39-3f |

FINAL CHARGES

| COUNT | DESCRIPTION | DEGREE | STATUTE |
|-------|-----------------------------|--------|---------|
| 1 | armed robbery (GRAVES CASE) | | 2C:15-1 |

It is, therefore, on 10-11-96 ORDERED and ADJUDGED that the defendant is sentenced as follows:

N.J. Dept. of Corr. for a period of ten yrs., parole ineligibility of three 1/3 years, conc. to present sentence and any parole violation. He has been advised of his right to appeal.

dism: 2, 3, 4, 5

 It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

| | | |
|--|-----------------------------|--|
| <input checked="" type="checkbox"/> Defendant is to receive credit for time spent in custody (N.J.S.A. 3:21-8). | TOTAL NUMBER OF DAYS 960 | DATE (including year) 2/25/94 OVER / UNDER 10-11-96 |
| <input type="checkbox"/> Defendant is to receive gap time credit for time spent in custody (N.J.S.A. 2C:44-5b(2)). | TOTAL NUMBER OF DAYS | DATE (including year) |

Total Custodial Term _____ Institution _____ Total Probation Term _____

AUG-24-2001 FRI 09:26 AM

FAX NO.

P. 27

DANA SCOTT MAYE-EL V. JAKE MENDEZ, WARDEN
Civil Action Number 1:CV-01-1258
MDPA

Declaration of C. Angelini

ATTACHMENT I

AUG-24-2001 FRI 09:26 AM

FAX NO.

P. 28



State of New Jersey

DEPARTMENT OF CORRECTIONS

WHITTLESEY ROAD
PO BOX 863
TRENTON NJ 08625-0863

CHRISTINE TODD WHITMAN
Governor

May 2, 2000

JACK TERHUNE
Commissioner

Inmate Systems Manager
FCI – Fairton
PO Box 280
Fairton, NJ 08320

Dear Inmate Systems Manager:

NAME: Dana MAYE
AKA:
O/S#: 18118-050 NJ: #285809
DOB: 4/5/65 POB: Jersey City
SBI: 461216B FBI: 981843HA4
IND: 94-07-0934
NJ COUNTY: Hudson SSN: 154-68-1025
PAROLE DATE: 05/17/2000

The New Jersey Parole Board has granted the above named inmate of your institution an inabsentia parole on sentence reflected on the Hudson County Commitment Detainer in your possession.

Please have Mr. Maye sign the enclosed Parole Certificates and Office of Services Inabsentia Parole Agreement Forms. All forms must be properly witnessed and dated.

Mr. Maye is to keep one (1) copy of the Parole Certificate and Inabsentia Parole Agreement Form. Five (5) copies both documents should be return to this office.

You may withdraw and return the Hudson County, NJ Commitment Detainer on the date the Parole Certificate becomes effective.

Since this individual will be responsible to us for a period of parole supervision until 04/15/2002, we would appreciate being advised of his release from custody.

We thank you for your anticipated cooperation in this matter.

Very truly yours,

JACK TERHUNE
COMMISSIONER

c/County Prosecutor, Hudson
County Sheriff, Hudson
E. Ditullo, SPB
Hank Pierre, CICS
Revenue
File
DO#4
D/R 6/17/2000

Elrose Sweeney Elrose
Donna Sweeney-Elrose
Classification Officer III
Office of Interstate Services

AUG-24-2001 FRI 09:26 AM

FAX NO.

P. 29

**State of New Jersey
STATE PAROLE BOARD**



Certificate of Parole

Page 1 of 2

The State Parole Board, by virtue of the authority conferred upon it by the provisions of P.L. 1979, c.441 (C.30:4-123.45, et seq.) and under the rules and regulations promulgated pursuant thereto, does hereby grant a parole to **MAYE, Dana Scott FED. REG. #18118-050 SBI #461216B**, who was convicted of the crime(s) and sentenced as indicated below:

Date of Sentence
and Offense

OCTOBER 11, 1996
ARMED ROBBERY

County
and Term

HUDSON
10YRS. (3YRS.4MOS.MAN.MIN.)

Relation
and Assessment(s)

TOTAL TERM: 10YRS. (3YRS.4MOS.MAN.MIN.)

Said Inmate is now confined in the **FEDERAL CORRECTIONAL INSTITUTION - FAIRTON - FAIRTON, NJ** by virtue of the sentence(s) imposed for the said conviction of the crime(s) aforesaid. This parole is applicable solely to said aforesaid sentence(s) and to no other, limited by and subject to the conditions annexed hereto and made a part hereof, and is effective on **NO EARLIER THAN MAY 17, 2000**, or as soon thereafter as a suitable parole plan has been approved by the State Parole Board, and upon the further condition that the said inmate accepts the conditions contained herein and annexed hereto, as evidenced by his/her signature affixed hereto and to a copy hereof retained as a part of the record of the parolee.

This parole is subject to revocation for violation of the conditions annexed hereto and forming a part hereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused our Seal to be affixed this TWELFTH day of APRIL in the year of our Lord two thousand.

STATE PAROLE BOARD

Certifying Member(s): RACHEL T. CHOWANIEC

DOMINIC PORROVECCHIO

GENERAL CONDITIONS OF PAROLE:

From the date of your release on parole until the expiration of your maximum sentence(s) or until you are discharged from parole, you shall continue to be under the supervision of the Division of Parole. A warrant for your arrest may be filed at any time while you are on parole. This parole may be revoked for serious or persistent violations of the conditions of parole. You shall not be credited for time served on parole from the date a parole warrant is issued for your arrest if you are in violation of parole to the date that you are arrested and placed in confinement for violation of parole.

1. You are required to obey all laws and ordinances.
2. You are to report in person to your District Parole Supervisor or his/her designated representative immediately after you are released on parole from the institution, unless you have been given other written instructions by the institutional parole office, and you are to report thereafter as instructed by the District Parole Supervisor or his or her designated representative.
3. You are to notify your Parole Officer immediately after any arrest, immediately after being served with a complaint or summons and after accepting any pre-trial release, including bail.
4. You are to immediately notify your parole officer upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act N.J.S.A. 2C:25-17 et seq., of an order granting emergency relief, a temporary or final restraining order or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation. You are to comply with any conditions

Witness

J. Porrovecchio

Dated 5-16 20 00

Dana S. Mayo - EL
Signature

AUG-24-2001 FRI 09:28 AM

FAX NO.

P. 30

**State of New Jersey
STATE PAROLE BOARD**

MAYE, Dana Scott FED. REG. #18118-050 STATE PAROLE BOARD



Certificate of Parole

Page 2 of 2

established within the respective order until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court.

5. You are to obtain approval of your Parole Officer;
 - a. For any change in your residence or employment location;
 - b. Before leaving the state of your approved residence.
6. You are required not to own or possess any firearm, as defined in N.J.S.2C:39-1f, for any purpose.
7. You are required not to own or possess any weapon enumerated in N.J.S.2C:39-1f.
8. You are required to refrain from the use, possession or distribution of a controlled dangerous substance, controlled substance analog or imitation controlled dangerous substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11.
9. You are required to make payment to the Division of Parole of any assessment, fine, restitution, D.E.D.R. penalty and Lab Fee imposed by the sentencing court and/or the New Jersey State Parole Board.
10. You are to register with the appropriate law enforcement agency and, upon a change of address, re-register with the appropriate law enforcement agency if you are subject to the provisions of N.J.S.A. 2C:7-2.
11. You are to refrain from behavior which results in the issuance of a final restraining order pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et. seq.
12. You are to waive extradition to the state of New Jersey from any jurisdiction in which you are apprehended and detained for violation of this parole status and you are not to contest any effort by any jurisdiction to return you to the state of New Jersey.

Total Restitution:

SPECIAL CONDITIONS:

You will be paroled to your FEDERAL COMMITMENT detainer(s) ONLY initially, thence upon resolution of said detainer(s) you will be released to a parole plan acceptable to the New Jersey State Parole Board with the following Special Conditions:

Special conditions of parole may be imposed and/or discharged pursuant to N.J.A.C. 10A:71-6.6.

In consideration of the action of the State Parole Board in paroling me, I hereby accept this parole and I hereby agree to be bound by the foregoing conditions. Any serious or persistent violation of the conditions herein shall be sufficient cause for revocation of my parole.

rmw

Witness:

Dated 5-16-00

Dana Scott-Maye-EP
Signature

AUG-24-2001 FRI 09:30 AM

FAX NO.

P. 31

NEW JERSEY STATE PAROLE BOARD - NOTICE OF PAROLE RELEASE

NAME: MAYE, DANA SCOTT

SBI
NO.: 461216B

FED CORR INSY

INST.: FAIRVIEW NJ

Pursuant to the provisions of P.L. 1979, c. 441 (N.J.S.A. 30:4-123.45 et seq.) parole release has been approved effective:

(This date is not subject to any further reductions.)

 (No Earlier Than)

5-17-00 To FEDERAL Committed Only

The parole release date is based on a projected credit earning pattern as determined by the Department Corrections. If you fail to actually earn the projected credits your release on parole will be deferred; your parole eligibility date recalculated; and a new release date established.

Your parole release is conditioned on continued acceptable conduct and is subject to the approval of a parole panel. The following special conditions of parole (as indicated) will apply in your case:

- Restitution _____
- VCCB Penalty - Must pay prior to release _____
- Random urine monitoring _____
- Random alcohol monitoring _____
- Outpatient drug / alcohol counseling _____
- Narcotics Anonymous / Alcoholics Anonymous with community sponsor _____ times per week
- No alcohol use while on parole
- No contact, verbal, written or through a third party with the victim(s) of the offense(s) unless contact is authorized by the assigned parole officer.
- No contact with any and all co-defendant(s)
- Mental health counseling _____
- Intensive supervision for: _____ months / duration of parole status
- Attempt to gain and maintain steady employment. If not working participate in vocational training / educational program.
- Curfew to be imposed by District Parole Supervisor
- Curfew for first _____ months / duration of parole status between hours of _____ and _____
- Alternative Sanctions Program (ASP) and/or Day Reporting Center (DRC). Conditions of program are deemed special conditions of parole.
- Employer Notification. Notify employer or intended employer of parole status and criminal record.
- Out of State parole plan only _____
- Other: _____

CERTIFIED BY

Member(s), State Parole Board

AUG-24-2001 FRI 09:30 AM

FAX NO.

P. 32

ALPDS * SENTENCE MONITORING * 08-17-2001
 PAGE 001 OF 001 * INDEPENDENT SENTENCE COMPUTATION - SRA * 13:36:19

SENTENCE PROCEDURE: 0080 3559 SRA SENTENCE

TERM IN EFFECT....: Y: M: 103 D: DCB.....: 05-17-2000
 TIE CONVERTED....: Y: 8 M: 7 D: DOB.....:

PROJ GCT TO AWARD.: 378 ANNUAL AND 26 PRORATED = 404 TOTAL

DISALLOW / FORFEIT: ANNUAL AND PRORATED

FINAL GCT AWARDED.: 378 ANNUAL AND 26 PRORATED = 404 TOTAL

PRORATE GCT FROM..: 05-17-2007 THRU: 11-06-2007

JAIL CREDIT FROM...: THRU:

JC DAYS...:

FROM...: THRU:

INOP TIME FROM...: THRU:

INOP DAYS:

GED UNSAT FROM...: THRU:

FROM...: THRU:

PROJECTED SRD....: 11-06-2007

6 MONTH/ 10% DATE.: 05-08-2007

EFT.....: 12-16-2008

HARDCOPY.: N

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIR

AUG-24-2001 FRI 09:30 AM

FAX NO.

P. 33

DANA SCOTT MAYE-EL V. JAKE MENDEZ, WARDEN
Civil Action Number 1:CV-01-1258
MDPA

Declaration of C. Angelini

ATTACHMENT J

AUG-24-2001 FRI 09:31 AM

FAX NO.

P. 34

ALPDS 540*23 *
PAGE 001 *SENTENCE MONITORING
COMPUTATION DATA
AS OF 08-17-2001* 06-17-2001
* 12:38:20

REGNO.: 18118-050 NAME: MAYE, DANA SCOTT

FBI NO.....: 981843HA4 DATE OF BIRTH: 04-05-1965
 ARS1.....: ALP/A-DES
 UNIT.....: I QUARTERS....: A01-130L
 DETAINERS....: NO NOTIFICATIONS: YES

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
 THE INMATE IS PROJECTED FOR RELEASE: 06-04-2002 VIA GCT REL

REMARKS.....: NOTIFY NEW JERSEY DEPT. OF CORRECTIONS - DIVISION OF PAROLE
 ON PAROLE W/THEM UNTIL 04-15-2002

-----CURRENT JUDGMENT/WARRANT NO: 010-----

COURT OF JURISDICTION.....: NEW JERSEY
 DOCKET NUMBER.....: 94-443 (01)
 JUDGE.....: ACKERMAN
 DATE SENTENCED/PROBATION IMPOSED: 04-12-1995
 DATE COMMITTED.....: 06-01-1995
 HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
 PROBATION IMPOSED.....: NO

| | | | |
|-------------------------|----------------|---------|---------|
| FELONY ASSESS | MISDMNR ASSESS | FINES | COSTS |
| NON-COMMITTED.: \$50.00 | \$00.00 | \$00.00 | \$00.00 |

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010-----

OFFENSE CODE....: 137
 OFF/CHG: 18 USC 922(G) POSSESSION OF FIREARM BY CONVICTED FELON

SENTENCE PROCEDURE.....: 3559 SRA SENTENCE
 SENTENCE IMPOSED/TIME TO SERVE.: 103 MONTHS
 TERM OF SUPERVISION.....: 3 YEARS
 DATE OF OFFENSE.....: 02-25-1994

G0002

MORE PAGES TO FOLLOW . . .

AUG-24-2001 FRI 09:31 AM

FAX NO.

P. 35

ALPDS 540*23 *
PAGE 002 OF 002 *SENTENCE MONITORING
COMPUTATION DATA
AS OF 08-17-2001* 08-17-2001
* 12:38:20

REGNO.: 18118-050 NAME: MAYE, DANA SCOTT

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 03-13-2001 AT ALP AUTOMATICALLY
 THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
 CURRENT COMPUTATION 010: 010 010

| | |
|-----------------------------------|--|
| DATE COMPUTATION BEGAN..... | 04-12-1995 |
| TOTAL TERM IN EFFECT..... | 103 MONTHS |
| TOTAL TERM IN EFFECT CONVERTED.. | 8 YEARS 7 MONTHS |
| JAIL CREDIT..... | FROM DATE THRU DATE 10-02-1994 04-11-1995 |
| TOTAL PRIOR CREDIT TIME..... | 192 |
| TOTAL INOPERATIVE TIME..... | 0 |
| TOTAL GCT POSSIBLE..... | 333 |
| TOTAL GCT AWARDED..... | 243 |
| STATUTORY RELEASE DATE (CURRENT): | 09-02-2002 |
| SIX MONTH /10% DATE..... | 12-04-2001 |
| EXPIRATION FULL TERM DATE..... | 05-03-2003 |
| PROJECTED SATISFACTION DATE..... | 06-04-2002 |
| PROJECTED SATISFACTION METHOD...: | GCT REL |

G0000 TRANSACTION SUCCESSFULLY COMPLETED

AUG-24-2001 FRI 09:31 AM

FAX NO.

P. 36

ALPDS 542*22 *
PAGE 001 OF 001 *SENTENCE MONITORING
GOOD TIME DATA
AS OF 08-17-2001* 08-17-2001
* 12:39:01

REGNO...: 18118-050 NAME: MAYE, DANA SCOTT
ARS ...: ALP A-DES
COMPUTATION NUMBER.: 010
LAST UPDATED: DATE.: 03-13-2001
UNIT.: I
DATE COMP BEGINS...: 04-12-1995
TOTAL JAIL CREDIT...: 192
CURRENT REL DT....: 09-02-2002 MON
PROJ SATISFACT DT...: 06-04-2002 TUE
ACTUAL SATISFACT DT.:
DAYS REMAINING....:

SRA
FUNC...: PRT ACT DT:
FACL...: ALP CALC: AUTOMATIC
QUARTERS.....: A01-130L
COMP STATUS...: COMPLETE
TOTAL INOP TIME...: 0
EXPIRES FULL TERM DT: 05-03-2003
PROJ SATISF METHOD.: GCT REL
ACTUAL SATISF METHOD:
FINAL PUBLIC LAW DAYS:

-----GOOD CONDUCT TIME AMOUNTS-----

| START DATE | STOP DATE | MAX POSSIBLE TO DIS | MAX POSSIBLE TO FFT | ACTUAL TOTALS DIS | ACTUAL TOTALS FFT | VESTED AMOUNT | VESTED DATE |
|--|------------|---------------------|---------------------|-------------------|-------------------|---------------|-------------|
| 10-03-1994 | 10-02-1995 | 54 | 0 | | | 54 | 10-17-1995 |
| 10-03-1995 | 10-02-1996 | 54 | 0 | 27 | | 27 | 10-17-1996 |
| 10-03-1996 | 10-02-1997 | 54 | 0 | | | 54 | 10-17-1997 |
| 10-03-1997 | 10-02-1998 | 54 | 0 | | | 54 | 10-17-1998 |
| 10-03-1998 | 10-02-1999 | 54 | 0 | | | 54 | 10-17-1999 |
| 10-03-1999 | 10-02-2000 | 54 | 0 | 107 | | 0 | 10-17-2000 |
| 10-03-2000 | 10-02-2001 | 54 | | | | | |
| 10-03-2001 | 06-04-2002 | 36 | | | | | |
| TOTAL EARNED AMOUNT..... | | | | | | 243 | |
| TOTAL EARNED AND PROJECTED AMOUNT..... | | | | | | 333 | |

G0005.

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DANA SCOTT MAYE-EL, :
Petitioner : No. 1:cv-01-1258
:
v. : (Judge Kane)
: (Magistrate Judge Smyser)
JAKE MENDEZ, Warden :
Respondent :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 27th day of August, 2001, she served a copy of the attached

**RECORD IN SUPPORT OF RESPONDENT'S RESPONSE TO
THE PETITION FOR WRIT OF HABEAS CORPUS**

by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Dana Scott Maye-El
Reg. No. 18118-050
USP Allenwood
P.O. Box 3000
White Deer, PA 17887



ANITA L. LIGHTNER
Paralegal Specialist